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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,162	02/26/2004	Yrjo Suolahti	713-1008	9132

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EXAMINER

DESAI, HEMANT

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/786,162	Applicant(s) SUOLAHTI, YRJO	
	Examiner Hemant M. Desai	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 26-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-6 and 10-15 is/are rejected.
 7) ☒ Claim(s) 7-9, 16-18 and 26-28 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 and 10-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent (EP 0811554) in view of Webb et al. (2348043).

European Patent ('554) discloses a wrapping machine for wrapping a plastic foil web around an object to be packaged, the wrapping machine comprising a machine frame (3, fig. 1), which is supported on a fixed base and which comprises upright vertical columns (8, fig. 1), a lifting frame (9, fig. 1) arranged to be vertically movable upwards and downwards along the vertical columns by means of a lifting motor (17, fig. 1) and a foil dispenser (4, fig. 1), on which a foil web roll (5, fig. 1) can be rotatably supported, and which foil dispenser is vertically movable with the lifting frame and arranged to circulate along a circular path around the object to be packaged to unroll a plastic foil web from the foil web roll so as to form a wrapping around the object to be packaged.

European Patent ('554), as mentioned above, discloses all the claimed limitations, except for the detachable vertical column and cross members connected to columns. However, Webb et al. teaches two column parts (a, b, fig. 2) detachable joined together end on end, the column parts comprising a lower column part and an upper column part (see fig. 2) which may be set up to hold machine in conventional standing position or collapsed into a relatively small compass for storing or shipping purpose (see col. 1, lines 2-5). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the detachable vertical column as taught by Webb et al. in the wrapping machine of European Patent ('554), which may be set up to hold machine in conventional standing position or collapsed into a relatively

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small compass for storing or shipping purpose. Further, Webb et al. also teach to provide cross-members (C, D and 11, fig. 1) to make the frame more stable and rigid. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cross-members as taught by Webb et al. in the wrapping machine of European Patent ('554) for stability and rigidity to make the frame more stable and rigid.

Regarding claims 2-3 and 11-12, European Patent ('554) as modified by Webb et al., teaches that the wrapping machine comprises splice joint elements for joining the lower column parts and the upper column parts together (see figs. 3 and 4) and the lower column part and the upper column part are box section beams of identical cross-section having a hollow space inside them, and that the splice joint element is a profiled beam having an external form substantially corresponding to the shape of the hollow space (see figs. 2-4).

Regarding claims 4 and 13, European Patent ('554) as modified by Webb et al., teaches that the lower column part comprises a supporting element (P, fig. 2) capable of supporting the lifting frame when the latter is lowered onto it.

Regarding claims 5 and 14, European Patent ('554) discloses that the lifting motor (17) is secured to the lifting frame so as to be movable with it.

Regarding claims 6 and 15, European Patent ('554) discloses that the wrapping machine comprises elongate flexible drive elements (drive chain 36, fig. 3) and wheels driven by the lifting motor (17) for the transmission of power from the lifting motor to produce a vertical motion of the lifting frame.

Regarding claims 9 and 18, European Patent ('554) discloses that the power transmission means (18, 15, see col. 3, lines 50-55).

Allowable Subject Matter

2. Claims 7-9, 16-18 and 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments filed 6/3/2005 have been fully considered but they are not persuasive. In response to applicant's argument that the references fails to teach the cross members of claims 1 and 10. Note that Webb et al. ('0430), as mentioned in the rejection above, teach the cross members (C, D and 11, fig. 1).

In response to Applicant's argument that Ref A is non-analogous art, it has been held that the determination that a reference is from a nonanalogous art is twofold. First, we decide that if the reference is within the field of inventor's endeavor. If it is not, we proceed to determine whether reference is reasonably pertinent to the particular problem with which the inventor was involved. *In re Wood*, 202 USPQ 171, 174.

In this case, Examiner agrees that Webb reference relate to stand for sewing machines. But Webb reference is reasonably pertinent to particular problem of making the frame detachable to make it smaller for transportation and storage (see page 1, col. 1, lines 1-5).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 7:00 AM-5:30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

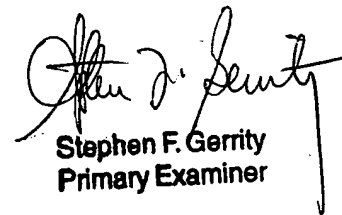

Stephen F. Gernity
Primary Examiner

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant M Desai
Examiner
Art Unit 3721

HMD



Stephen F. Gerrity
Primary Examiner
571-272-4460